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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/620,373	07/17/2003	Ai Satoyama	H-900-02	9718
24956	7590	08/31/2004	EXAMINER	
MATTINGLY, STANGER & MALUR, P.C. 1800 DIAGONAL ROAD SUITE 370 ALEXANDRIA, VA 22314			KIM, HONG CHONG	
			ART UNIT	PAPER NUMBER
			2186	

DATE MAILED: 08/31/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/620,373

Applicant(s)

SATOYAMA ET AL.

Examiner

Hong C Kim

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 9-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 9-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☒ Certified copies of the priority documents have been received in Application No. 09/506,271.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 7/17/2003.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**Detailed Action**

1. Claims 9-20 are presented for examination. This office action is in response to the application filed on 7/17/03
2. Applicants are requested to update the status of the related U.S. patent application referred on page 1 in the application filed (i.e. application Serial Nos. 08/912,872) and the status of the related U.S. patent application, 09/477,713, accordingly (e.g., U.S. Patent Application Serial No. ###/###,### filled Sept. 07, 1990, now abandoned; ..., now U.S. Patent #,###,### issued Jan. 01, 1994; or This application is a continuation of Serial Number ###/###,###, filed on December 01, 1990, now abandoned; ...etc.). Also applicants are requested to include the status of the related U.S. applications or patents in the CROSS-REFERENCE TO RELATED APPLICATIONS section and in any other corresponding area in the specification.

***Information Disclosure Statement***

3. Applicants are reminded of the duty to disclose information under 37 CFR 1.56 (i.e. search report).

***Priority***

4. Applicant is reminded that in order for a patent issuing on the instant application to obtain the benefit of priority based on priority papers filed in parent Application No. 09/506,271 under 35 U.S.C. 119(a)-(d) or (f), a claim for such foreign priority must be

timely made in this application. To satisfy the requirement of 37 CFR 1.55(a)(2) for a certified copy of the foreign application, applicant may simply identify the application containing the certified copy.

5. The drawings are objected to because:

1. Figure 5, each box in Ref. 600 needs a label for clarification..

Correction is required.

### ***Claim Objections***

6. Claim 10 is objected to because of the following informalities: It appears that "calim1" should be changed to —claim 9—for clarity. Appropriate correction is required.

### ***DOUBLE-PATENTING***

7. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

8. Claims 9-20 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-15 of U.S. Patent No. 6,615,327. Claims of patent No. 6,615,327 contains every element of claims 9-20 of the instant application and as such anticipates claims 9-20 of the instant application.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claim 9-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Kanda et

al. (Kanda) US Patent 6,115,797.

As to claim 9, Kanda discloses the invention as claimed. Kanda discloses in a computer system which has a first computer (Fig. 6 Ref. 11), a second computer (Fig. 6 Ref. 10) connected to said first computer via network (Fig. 6 Refs. 65 and 75), a storage apparatus (Fig. 6 Ref. 400) connected to said second computer via fixed length access interface (Fig. 6 Ref. 90) and storing data in a fixed-length block format used by said second computer, a method for processing data stored in said storage apparatus to said first computer comprising the steps of:

requesting, from said first computer to said second computer via network, data stored in said storage apparatus in said fixed-length block format (col. 14 lines 8-12);

reading, in response to said request data in said fixed-length block format from said storage apparatus via said fixed length access interface and transferring said read data to said first computer via network, by using said second computer (col.14 lines 8-12);

converting, in said first computer, said transferred data in said fixed-length block format to data in variable-length block format (col.14 lines 12-14); and

processing said converted data in said first computer (col.4 lines 65-66, read a block reads on this limitation).

As to claim 10, Kanda discloses the invention as claimed the above. Kanda further discloses making volume information for accessing data stored in said storage apparatus, in said first computer (col. 5 lines 50-53).

As to claim 11, Kanda discloses the invention as claimed the above. Kanda further discloses said step for making said volume information comprising a step for storing said volume information in a predetermined region formed in a main memory of said first computer (col. 5 lines 48+).

As to claim 12, Kanda discloses the invention as claimed the above. Kanda further discloses said volume information which includes information of a starting position and an ending position of data is said fixed-length block format in said storage apparatus (col. 5 lines 48+).

As to claim 13, Kanda discloses the invention as claimed. Kanda discloses a computer in a variable length block format comprising (Fig. 9):

a communication unit (Fig. 9 Refs. 65 and 75) to communicate with another computer which is connected to a storage apparatus,

a processor (Fig. 9 Ref. 11) and,

a memory (fig. 9 Ref. 21)

wherein said processor requests said another computer to send data stored in said storage apparatus in fixed-length block format through said communication unit, receives said data from said another computer through said communication unit,



converts said data to data in variable-length block format, and processes said converted data (col. 14 lines 8-22).

As to claim 14, Kanda discloses the invention as claimed the above. Kanda further discloses make volume information for accessing data stored in said storage apparatus (col. 5 lines 50-53).

As to claim 15, Kanda discloses the invention as claimed the above. Kanda further discloses said processor stores said volume information in a predetermined region formed in a main memory of said first computer (col. 5 lines 48+).

As to claim 16, Kanda discloses the invention as claimed the above. Kanda further discloses said volume information which includes information of a starting position and an ending position of data is said fixed-length block format in said storage apparatus (col. 5 lines 48+).

As to claim 17, Kanda discloses the invention as claimed. Kanda discloses a system (Fig. 9) comprising:

- a first computer (Fig. 9 Ref. 11),
- a second computer (Fig. 9 Ref. 10) connected to said first computer through network,
- a storage apparatus storing data in a fixed-length block format connected to said second computer via a fixed length access interface (Fig. 9 Ref. 90),

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wherein said first computer requests said second computer to send data stored in said storage apparatus (col. 14 lines 8-22), wherein said second computer reads said data stored in said storage apparatus via said fixed length access interface and transfers said data to said first computer via network based on said request (col. 14 lines 8-22), and wherein said first computer receives said transferred data, converts said received data to a variable-length block format, and processes said converted data (col. 14 lines 8-22).

As to claim 18, Kanda discloses the invention as claimed the above. Kanda further discloses said processor makes volume information for accessing data stored in said storage apparatus (col. 5 lines 50-53).

As to claim 19, Kanda discloses the invention as claimed the above. Kanda further discloses said processor stores said volume information in a predetermined region formed in a main memory of said first computer (col. 5 lines 48+).

As to claim 20, Kanda discloses the invention as claimed the above. Kanda further discloses said volume information which includes information of a starting position and an ending position of data is said fixed-length block format in said storage apparatus (col. 5 lines 48+).

***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See attached PTO-892.
11. A shortened statutory period for response to this action is set to expire 3 (three) months and 0 (zero) days from the mail date of this letter. Failure to respond within the period for response will result in **ABANDONMENT** of the application (see 35 USC 133, MPEP 710.02, 710.02(b)).
12. When responding to the office action, Applicant is advised to clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. He or she must also show how the amendments avoid such references or objections. See 37 C.F.R. ' 1.111(c).
13. When responding to the office action, Applicants are advised to provide the examiner with the line numbers and page numbers in the application and/or references cited to assist examiner to locate the appropriate paragraphs.
14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hong C Kim whose telephone number is 703-305-3835. The examiner can normally be reached on M-F 9:00 to 6:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matt M Kim can be reached on (703) 305-3821. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

15. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

16. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to TC-2100:**  
(703) 872-9306

Hand-delivered responses should be brought to Crystal Park II, 2121  
Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

HK  
Primary Patent Examiner  
August 30, 2004

